



ATTORNEY DOCKET NO. 14028.0284U2
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Neville <i>et al.</i>)	Confirmation No. 7991
)	
Serial No. 09/810,999)	Group Art Unit: 1644
)	
Filed: March 16, 2001)	Examiner: Ewoldt, Gerald R.
)	
For: USE OF IMMUNOTOXINS TO INDUCE)	
IMMUNE TOLERANCE TO PANCREATIC)	
ISLET TRANSPLANTATION)	

AMENDMENT AND PETITION UNDER 37 C.F.R. § 1.78(a)

MAIL STOP RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & Rosenberg, P.C.
Customer No. 23859

Sir:

Applicants for above-indicated patent application unintentionally failed to properly claim the benefit of priority to earlier-filed patent applications, namely to U.S. Application Serial No. 09/636,251, which is a continuation of and claims priority to U.S. Application Serial No. 08/843,409, now U.S. Patent No. 6,103,235, which claimed benefit of U.S. Provisional Application 60/015,459.

The entire delay between the date the claim was due and the date the claim is being filed was unintentional.

Specifically, Applicants note that at the time the present application was filed, March 16, 2001, a claim to priority to U.S. Serial No. 09/064,413 was made in the transmittal form. The

ATTORNEY DOCKET NO. 14028.0284U2
APPLICATION NO. 09/810,999

same claim indicating that the present application is a continuation in part of U.S. Serial No. 09/064,413. However, a claim to priority to other applications was not made. In an attempt to correct this error, applicants filed a preliminary amendment on June 28, 2001, that included a claim to priority (Exhibit A, a copy of the June 28, 2001 preliminary amendment) and August 10, 2001, that included a corrected claim to priority (Exhibit B a copy of the August 10, 2001 preliminary amendment).

Applicants submit that the errors in properly claiming priority to all of the above-indicated applications were unintentional as is evident from the Applicants attempts to claim priority when filing the application and in the attempt to correct the defect in the claim by the preliminary amendments filed for the purpose of correcting the defective claim to priority. Applicants further submit that, as evidenced by the preliminary amendments filed June 28, 2001 and August 10, 2001, there was a good-faith attempt to correct this error. It is, therefore, requested that the following amendment and proper claim to priority be accepted to correct the evident errors on the part of the Applicants' representative.

IN THE SPECIFICATION

On page 1 of the specification, please delete the first paragraph and replace it with the following:

-- This application is a continuation of, and claims the benefit of, U.S. Serial No. 09/064,413, filed April 22, 1998, now abandoned, herein incorporated in its entirety by reference.

This application is also a continuation in part of U.S. Application No. 09/636,251, filed August 8, 2000, now abandoned, which is a continuation of and claims priority to U.S. Application No. 08/843,409, filed April 15, 1997, now U.S. Patent No. 6,103,235, which claims benefit of U.S. Provisional Application No. 60/015,459, filed April 15, 1996, and is a continuation of and claims priority to U.S. Application No. 08/739,703, filed October 29, 1996, now abandoned, which claims benefit of U.S. Provisional Application No. 60/008,104, filed October 30, 1995.

This application is also a continuation in part of, and claims priority to the benefit of, U.S. Serial No. 09/368,069, filed August 3, 1999, which is a continuation of and claims priority to U.S. Serial No. 08/878,378, filed June 18, 1997, now abandoned. U.S. Serial No. 08/878,378 is a continuation of and claims priority to U.S. Application No. 08/628,745, now abandoned, which is a national stage application of PCT/US96/05087, filed April 12, 1996. U.S. Serial No. 08/878,378 is also a continuation in part of and claims priority to U.S. Application No. 08/739,703, filed October 29, 1996, now abandoned, which claims the benefit of priority to U.S. Serial No. 60/008,104, filed October 30, 1995. U.S. Serial No. 08/878,378 is also a continuation ~~in part of~~ and claims priority to PCT/US96/05087, filed April 12, 1996.

This application is also a continuation in part of, and claims priority to the benefit of, U.S. Serial No. 09/380,484 which claims priority to, ~~and the benefit of~~, international